

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

No. 2:90-cv-0520 KJM DB P

ORDER

As required by court order, on April 16, 2020, defendants filed their Strategic COVID-19 Management Plan (defendants' Plan). ECF No. 6616.¹ The court is in receipt of plaintiffs' response to defendants' Plan, ECF Nos. 6626,² and defendants' reply to plaintiffs' response, ECF Nos. 6633.³ Having carefully considered the parties' filings, the court declines to construe any filing or any portion thereof as a motion. To the extent any party or intervenor wishes to bring a motion formally, the court provides a schedule for doing so below. In so doing, with respect to the impact of the novel coronavirus (COVID-19) pandemic on defendants' obligations to class members in this action, the court finds that much of the court's and the parties' effort to date has fallen within an initial crisis management phase, which has involved planning and interim policy-

¹ Defendants' Plan is accompanied by numerous attachments, ECF No. 6616-1.

² Plaintiffs' response is accompanied by declarations and evidence, ECF Nos. 6627, 6628, 6640, 6641 (sealed), and 6642-1.

³ Defendants' reply is accompanied by a declaration, ECF No. 6633-1.

1 making under exigent circumstances. With some exceptions, most notably with respect to the
2 Department of State Hospitals' temporary suspension of *Coleman* class members' admissions, *see*
3 ECF No. 6639, most of the initial crisis management activity in this case has taken place through
4 the efforts of the parties and the court's Special Master in serial meetings of the coronavirus task
5 force this court created on March 27, 2020. ECF No. 6546. Given the value that task force
6 process has provided, providing for a forum for expedited problem solving without litigation to
7 the extent possible, the court will direct that it continue meeting until the court orders otherwise,
8 with continuing regular status conferences as ordered below.

9 At the same time, the court observes that defendants' management of the
10 coronavirus pandemic and *Coleman* class members affected by it appears to be moving into an
11 interim albeit still temporary phase of implementation, with many planned transfers of inmates to
12 achieve physical distancing to be completed as of this week. With inmates relocated, the court
13 expects defendants may be considering ongoing refinements of their initial plans and policies.
14 And even after an interim phase, given that defendants previously have taken the position the
15 pandemic has "no horizon," the pandemic will likely continue to inform prison operations
16 affecting *Coleman* class members for many months if not years to come. The court previously
17 has indicated that it plans to resume proceedings to oversee defendants' compliance with those
18 aspects of the Program Guide in this case with which compliance has not yet been achieved, and
19 it confirms its plans to maintain that primary track of this litigation. To the extent the court must
20 also maintain the parallel track already opened up, as discussed above, to monitor coronavirus
21 issues as relevant to *Coleman* compliance, it is prepared to do so for as long as necessary. To
22 guide the parties' understanding of the court's current views of how these parallel tracks will
23 operate, the court will soon issue an order outlining those views.

24 In the meantime, good cause appearing IT IS HEREBY ORDERED that:

- 25 1. Any motion concerning the initial crisis management phase of planning for the impact
26 of the COVID-19 on defendants' obligations to class members in this action shall be
27 filed within the next thirty days; and

28 /////

